

Serial No. 10/642,283
December 1, 2005
Reply to the Office Action dated August 8, 2005
Page 5 of 8

REMARKS/ARGUMENTS

Claims 1-14 are pending in this application. By this Amendment, Applicants amend claims 1, 8 and 12.

Applicants note that the Examiner has failed to list U.S. Patent No. 5,259,498 (Weisburn et al.) and U.S. Patent No. 6,438,638 (Jones et al.) on the Notice of References Cited (PTO-892). Accordingly, Applicants respectfully request that the Examiner provide a Notice of References Cited (PTO-892) which lists these two references, so as to ensure that these references are listed on the front of any patent which eventually issues from the present application.

Claims 1, 5, 7-9 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Weisburn et al. (U.S. 5,259,498). Claims 2-4, 6 and 10-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Weisburn et al. in view of Nakayama (U.S. 6,413,630) and Jones et al. (U.S. 6,438,638). Applicants respectfully traverse the rejections of claims 1-14.

Claim 1 has been amended to recite:

"An appearance protective case for card-like computer peripheral equipment, comprising:

a sheet member including a draw-processed sheet member treated with coloring or marking; and

a transparent or translucent cover case; wherein the sheet member includes an upper portion and three side portions;

each of the upper portion and the three side portions of the sheet member is connected to one another by rounded joint portions; and

the sheet member is fitted into the cover case such that the sheet member extends in close contact with an inner surface of the cover case." (emphasis added)

Applicants' claim 8 recites features that are similar to the features recited in Applicants' claim 1, including the above-emphasized features.

With the unique combination and arrangement of features recited in Applicants' claims 1 and 8, including the features of "[a]n appearance protective case for card-like

Serial No. 10/642,283
December 1, 2005
Reply to the Office Action dated August 8, 2005
Page 6 of 8

computer peripheral equipment," "the sheet member includes an upper portion and three side portions" and "each of the upper portion and the three side portions of the sheet member are connected to one another by rounded joint portions," Applicants have been able to provide an appearance protective case and an appearance protective case assembly in which damage of a colored or marked pattern due to exposure is prevented, and the structure of a formed member having the colored or marked pattern printed thereon is made simple so that the formed member can be easily incorporated into the appearance protective case (see, for example, the fifth full paragraph on page 3 of the originally filed specification).

The Examiner alleged that Weisburn et al. teaches all of the features recited in Applicants' claims 1 and 8.

Applicants' claim 1 has been amended to recite the features of "[a]n appearance protective case for card-like computer peripheral equipment," "the sheet member includes an upper portion and three side portions" and "each of the upper portion and the three side portions of the sheet member are connected to one another by rounded joint portions." Applicants' claim 8 has been similarly amended. Support for these amendments is found, for example, in Figs. 1B-1D and in the second full paragraph on page 7 of the originally filed specification.

First, Weisburn et al. is directed to a container for a compact disc. Weisburn et al. fails to teach or suggest that the container is suitable for any other use, and certainly fails to teach or suggest that the container is suitable for use in card-like computer peripheral equipment. Thus, Weisburn et al. clearly fails to teach or suggest the feature of "[a]n appearance protective case for card-like computer peripheral equipment" as recited in Applicants' claim 1, and similarly in Applicants' claim 8.

Second, as clearly seen in Fig. 1 of Weisburn et al., the graphic sheet or card 51 of Weisburn et al., which the Examiner alleged corresponds to the sheet member recited in Applicants' claims 1 and 8, is completely flat, and does NOT include any portions that are connected to one another by rounded joint portions. In addition, Weisburn et al. fails to teach or suggest that the graphic sheet or card 51 could or

Serial No. 10/642,283
December 1, 2005
Reply to the Office Action dated August 8, 2005
Page 7 of 8

should have any configuration other than a completely flat sheet or card, and certainly fails to teach or suggest that the graphic sheet or card 51 could or should include rounded joint portions. Thus, Weisburn et al. certainly fails to teach or suggest the features of "the sheet member includes an upper portion and three side portions" and "each of the upper portion and the three side portions of the sheet member are connected to one another by rounded joint portions" as recited in Applicants' claims 1 and 8.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by Weisburn et al.

The Examiner relied upon Nakayama and Jones et al. to allegedly cure deficiencies of Weisburn et al. However, Nakayama and Jones et al. clearly fail to teach or suggest the features of "the sheet member includes an upper portion and three side portions" and "each of the upper portion and the three side portions of the sheet member is connected to one another by rounded joint portions" as recited in Applicants' claims 1 and 8. Thus, Applicants respectfully submit that Nakayama and Jones et al. fail to cure the deficiencies of Weisburn et al. described above.

Accordingly, Applicants respectfully submit that Weisburn et al., Nakayama and Jones et al., applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicants' claims 1 and 8.

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1 and 8 are allowable. Claims 2-7 and 9-14 depend upon claims 1 and 8, and are therefore allowable for at least the reasons that claims 1 and 8 are allowable.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicants petition the Commissioner for a ONE-month extension of time, extending to December 8, 2005, the period for response to the Office Action dated August 8, 2005.

Serial No. 10/642,283
December 1, 2005
Reply to the Office Action dated August 8, 2005
Page 8 of 8

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: December 1, 2005


Attorneys for Applicants

Joseph R. Keating
Registration No. 37,368

Christopher A. Bennett
Registration No. 46,710

KEATING & BENNETT, LLP
8180 Greensboro Drive, Suite 850
Tyson's Corner, VA 22102
Telephone: (703) 637-1480
Facsimile: (703) 637-1499